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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 27 October 1996 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the statement made by His Excellency U Ohn Gyaw, Minister for Foreign Affairs of the Union of Myanmar, concerning developments in Myanmar at the Chairman's Council of the United Nations Association of the United States of America on 1 October 1996 in New York (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 110 (c).

(Signed) Win MRA
Ambassador
Permanent Representative

ANNEX

Statement by the Minister for Foreign Affairs of Myanmar concerning developments in Myanmar at the Chairman's Council of the United Nations Association of the United States of America on 1 October 1996 in New York

I am very happy to have this opportunity to address the Council of the United Nations Association of the United States of America.

I believe that most of you are quite aware of the developments in Myanmar. So what I would like to do today is not so much to dwell on the past, but to give you a brief overview of the objectives, priorities and direction of our Government. I hope that the present presentation will in some ways contribute towards a better understanding of the situation in my country as well as its policy orientations.

When the State Law and Order Restoration Council assumed responsibility in 1988, it declared unequivocally that it intended to establish a multi-party democratic society in the country. At the very outset, let me reiterate that our Government will fulfil this commitment without fail. Since we are building democracy in Myanmar, the democratic society that we envisage is one that corresponds to the historical experiences and the prevailing conditions of our country.

Just as revolution cannot be exported, neither can democracy. No country or group of countries should try to remake the world in their own image or according to their own values, for the situation of individual countries is never the same and no nation can claim monopoly over values. There is no single model of democratic society that is applicable to all countries, and therefore the democracy that we aspire to must be in accordance with the wishes and desires of all the 48 million people of Myanmar.

Perceptions in a society are shaped by its past experiences, national ethos and current situation. As such, the democratic society must reflect the historical traditions and objective conditions of our nation. No comprehension of Myanmar will be complete without understanding certain characteristics which distinguish her from the others. One such feature is the struggle for independence and the role of the Tatmadaw (Armed Forces) in the Myanmar society. Independence in Myanmar was regained only after great sacrifices in lives and property by the Myanmar people. Having encountered the bitter experiences of over a hundred years of colonial past, we greatly cherish our independence and are determined never to be subjected again to the domination by foreigners. We will never let outsiders dictate our destiny and shape our future. Neither will we accept interference in our internal affairs.

Another factor is that Myanmar is a Union made up of over 100 different national races residing in Myanmar. Unity among the different national races is essential for the preservation of our independence and sovereignty as well as for the economic and social progress of our country.

The third characteristic is that since the regaining of independence in 1948, Myanmar has to face internal strife by various armed groups. Because of this, the country has suffered greatly and has lagged behind in economic development when compared with other nations of the region.

In the light of these conditions, it is only natural that the State Law and Order Restoration Council would place the utmost importance on the preservation of independence and the strengthening of unity and national solidarity among all the national races of Myanmar. In other words, since the time it took responsibilities of the state, the State Law and Order Restoration Council has been giving priority to the achievement of national reconciliation. Beginning from 1989, in other words, less than one year after it assumed responsibility, the Government made overtures to the armed groups to return to the legal fold. Since April 1992, the Armed Forces has suspended military offensives against the armed groups in the interest of national reconciliation. Internal strife for over four decades has not brought benefit to anyone. It has only caused death and destruction and untold suffering for the people. No one appreciates peace more than a soldier. It is therefore most gratifying that a total of 15 groups have returned to the legal fold, and are working together with the Government for the development of their regions. These groups are also being provided with the opportunity to participate in the national political process, namely the National Convention, to shape the country's future. To the remaining groups that still have yet to return to the legal fold, allow me to reiterate our Government's call to them not to miss this golden opportunity but to join hands with us in building a peaceful, democratic and modern Union. Guns have fallen silent in the country as never before in the history of modern Myanmar and these groups should look at the greater interest of the country and work for the benefit of all the national races as they have been saying for so long.

In our search for national unity, we are fully aware that because of the influence of the Burma Communist Party the remote border areas were lagging behind the other parts of the country in development. It is therefore one of the prior objectives of the present Government to strive for the development of the border areas where many of the national races reside. It firmly believes that there can be no all-round development of the whole country without narrowing and abolishing the gap and differences between the rural and urban areas, between the border areas and the rest of the country. We have therefore devoted special attention to the uplifting of the socio-economic well-being of these areas. The Government, in its efforts for the development of these regions, has brought about improvements to the infrastructure by building and repairing roads and bridges, hospitals and dispensaries. The Central Committee and the Work Committee for the Development of Border Areas and National Races were established as early as May 1989 to undertake the necessary measures for the development of these regions and to coordinate actions with the relevant ministries and departments. For effective implementation of the development projects, the Government established a separate Ministry for the Development of Border Areas and National Races in September 1992. This Ministry was reorganized into the Ministry for Progress of the Border Areas and National Races and Development Affairs in January 1994, in order to enable it to carry out the development measures envisaged not only for the present but also for the future.

To this end, under the guidance of the Chairman of the State Law and Order Restoration Council, a master plan covering a period of 11 years, from 1993/94 to 2003/04 in three phases, has been drawn up to provide a basic guideline in implementation. The main aim of the master plan is to achieve poverty alleviation while at the same time accomplishing eradication of poppy cultivation. It has four objectives, an aim to develop the economic and social works, roads and communications of the national races in the border areas; to preserve the culture, literature and customs of the national races; to bring about total eradication of poppy cultivation by means of establishing alternative economic enterprises; and to preserve and maintain the security, prevalence of law and order and regional peace and tranquillity in the border areas. The master plan has a duration of 11 years starting from the 1993/94 fiscal year up to the 2003/04 fiscal year. Drawn up in accordance with the national development plans, the Master Plan for border areas development starts with a short-term three-year plan from 1993/94 to 1995/96; and follows this up with the first medium-term four-year plan from 1996/97 to 1999/00, and the second medium-term plan from 2000/01 to 2003/04. During the period of implementation of the master plan, development works will be carried out in 18 regions in the north and north-west of the country. These regions constitute 33.2 per cent of the total area of the country where 17.5 per cent of Myanmar's total population is living. With the increasing momentum of the development projects and programmes, the living standards of the peoples in these areas will be greatly improved. A notable fact is that in elevating the socio-economic conditions of the border areas where poppy cultivation used to be the main source of income, the development works will also contribute towards the international efforts in combating the drug menace.

Now let me turn to Myanmar's national endeavours and those in cooperating with its neighbours at the subregional and regional levels, and its participation at the international level in the worldwide effort for the suppression and eradication of narcotic drugs.

Myanmar has always treated anti-narcotics measures as a national responsibility. At the national level, the Government has adopted comprehensive plans for the effective implementation of drug suppression measures. A new law against drugs and psychotropic substances was enacted in 1993, encompassing effective measures against the widening scope of the drug menace.

In our national strategies against drugs, a new approach was launched in 1988, the key concept of which was to alleviate the poverty of the peoples in the border areas by providing them with a means of alternative income, while at the same time working to raise their awareness of the magnitude of human misery resulting from drugs. This approach is being carried out as one of the main objectives of the master plan for the development of the border areas and national races, which I have mentioned earlier. It is evident that the most effective approach towards eradication of poppy cultivation would be to implement a comprehensive programme for the social and economic development of the national races in the border areas. We have now established a mechanism coordinating action against illegal drugs in all its aspects.

We have also been coordinating our national efforts with those of our neighbours to ensure a maximum impact in drug eradication in the region. The

Myanmar Government has signed agreements with China and the United Nations Drug Control Programme (UNDCP) as well as with Thailand and UNDCP. Bilateral narcotics suppression agreements have been signed with the Lao People's Democratic Republic and India, and we aim to work out a similar agreement with Bangladesh. In October 1993, at New York, Myanmar, China, the Lao People's Democratic Republic, Thailand and UNDCP signed a memorandum of understanding that would further harmonize collective activities aimed at reducing drug trafficking and production, eliminating poppy cultivation, and reducing drug demand and consumption. There have been two ministerial conferences at the subregional level at which Myanmar has contributed active participation.

Myanmar is a State party to the Single Convention on Narcotic Drugs of 1961, and to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. We are also carrying out a series of measures in the implementation of the recommendations contained in the Global Programme of Action adopted by the General Assembly at it seventeenth special session, in February 1990.

Let me reiterate that the Government of Myanmar is very much aware of the danger of drugs, and views the sustained efforts against this scourge as a national responsibility. In implementing this national responsibility, we in Myanmar are ready and willing to cooperate fully with all our neighbours and the international community in the fight against narcotic drugs. As to those who are expressing doubt about our commitment to the eradication of narcotics, let me ask: Which country in the world has sacrificed the lives of over 190 soldiers with 350 wounded for combating against a drug lord in a matter of four weeks? Owing to the sustained efforts, the Mong Tai Army (MTA) of U Khun Sa unconditionally surrendered in January 1996.

At this juncture, let me turn to another facet of the Government's political objective: the drafting of a firm and enduring constitution. It is the wish of the people as well as the majority of the political parties to have a new constitution that will reflect the aspirations of all the national races as well as the changed political and economic conditions in the country. Towards this end, a National Convention has been meeting since the beginning of 1993 to draft a new constitution. Consensus had already been reached on the 15 chapter headings, on the 104 fundamental principles of the State as well as the chapters on the State, the State structure and the head of State. As to those who are saying that the process is moving too slowly, let me ask: Isn't the world today full of examples where too much haste has led to chaos and confusion, even to armed conflict and disintegration of nations? At the same time, let me assure you that the State Law and Order Restoration Council has no intention of drawing out the process to cause delays. However, a balance must be struck between the need to reach consensus among the nearly 700 delegates on very urgent and vital issues like the national races and the desire for the completion of the process in appropriate time. At the same time, I wish to indicate to some observers, particularly our friends, that in our society reaching consensus among us is more important than debating who is right or wrong, or who won the debate. We would like the constitution to reflect as much as possible the wishes of the national races while at the same time we would be most happy if consensus on the remaining chapters could be reached as soon as possible.

As I have mentioned before, the society that would emerge from this constitution will be a multi-party democratic society. After the National Convention has completed its task and the constitution has been promulgated, a constitutional Government will materialize to lead the country. The Tatmadaw has no intention of holding on to the reins of power for a prolonged period. It considers itself as an interim administration that is laying down the necessary political and economic foundation for the establishment of multi-party democracy. What the Government has done and is doing at the moment is to ensure peace, stability, law and order, while striving for economic development of the entire nation so that the transition to democracy will be smooth and tranquil.

Here, I would like to clear up one misconception in some foreign media. According to the consensus reached at the National Convention, Myanmar will have a presidential type of government. Regarding the qualifications necessary for the President, it is mentioned that the person must be one who is acquainted with political, economic, military and administrative affairs. There have been some allegations that one of the qualifications is that the person must have military experience and therefore only people from the military could become President. I wish to state categorically that this assumption is wrong. As stated clearly, the President will be the head of the executive branch of the State and must be someone who has knowledge of all the factors of statecraft, including defence and security of the State. It will surely be a great handicap and disadvantage if the leader of our country cannot perform effectively in matters relating to the defence and security of the nation. It is not personal experience but knowledge and perspective that we are talking about here.

Political stability goes hand in hand with economic development. Economic growth can only be achieved in times of political stability. Likewise, economic development can promote political stability. In Myanmar today, peace and political stability reign throughout the nation. With the introduction of market-oriented economic polices, the full incentives of the entire people has been brought into play. Anyone who has been to Myanmar recently will no doubt realize that the country's economy is very vibrant and dynamic. The private sector is developing fast and is already the major factor in trade, particularly export/import business, in production as well as in the service sectors. With the promulgation of foreign investment law, foreign companies, either wholly owned or in joint ventures with their Myanmar counterparts, are also playing their part in economic development for mutual benefit. Foreign investments up to August 1996 amounted to more than US$ 4.3 billion. Some 204 foreign investment enterprises are involved in agriculture, fisheries, mining, manufacturing, oil and gas, transport, hotels and tourism. The largest investment is in the field of oil and gas, with $1,437.9 million, followed by real estate with $840 million. This rapid increase in foreign investment underlines the growing confidence in Myanmar's economy and the investment climate.

Commencing from the time when Myanmar designated 1992/93 as economic year, the Government has devoted special attention to economic development. The economy grew by 10.9 per cent during that year, followed by a 6 per cent growth in the next financial year. We realized a growth of about 6 per cent also in the current 1994/95 and 1995/96 financial years.

For achieving accelerated development of economic and social conditions of the country, the State Law and Order Restoration Council has formulated and is implementing a short-term plan from 1992/93. The main thrusts of the plan are to step up production and exports and to speed up the development of the economy as a whole. Priority has been given to the development of productive sectors such as agriculture, livestock and fishery, processing and manufacturing, and mining. Moreover, efforts are being made to export not only traditional items but also new commodities and to enhance foreign exchange earnings from services.

Myanmar's economy at the moment is based primarily on agriculture and Myanmar will remain an agricultural country for some time. Therefore the Government has placed special emphasis on the development of the agricultural sector. Since it believes that availability of adequate water is essential for agricultural development, it has constructed or is in the process of constructing a number of dams, reservoirs and weirs throughout the nation. Mixed cropping and multiple cropping are being introduced, while mechanization of agriculture is also taking place. As a result, agricultural production has increased significantly. To give one example, the production of paddy in fiscal year 1993/94 was 835.7 million baskets, an increase of 124.6 million over the previous year. The production of other industrial crops and cereals like beans and pulses have also surged significantly and are not only meeting domestic requirements but are also finding increasing markets abroad.

With the participation of foreign companies, Myanmar's potential in the energy sector is gradually being realized. Onshore as well as offshore production of oil and gas have increased substantially and some of the wells are moving from the exploration stage to the production stage. In 1993/94, crude oil output was 7.3 million barrels, achieving an increase of nearly 2 million barrels over the previous year. Offshore gas prospects exceeded 10 million cubic feet and agreements have been signed for export to the Kingdom of Thailand on an extensive scale. At the same time, while we are aware of the benefits of developing our oil and gas field, we have not forgotten the needs for environmental concerns. As the foreign investors have come to realize, our Foreign Investment Commission is very particular about the environmental impact of any undertaking. Environmental considerations are properly integrated into development planning.

This is particularly true with regard to our forestry resources. Nearly 51 per cent of the total land area of Myanmar is covered by forest. It is therefore rich in forest resources with over 8,500 different species of flora and fauna. Myanmar's teak and other hardwoods are world renowned. Our reserved forest area covers more than 100,000 square kilometres. Although we possess a great potential in forestry sector, it is the policy of our Government to take systematic steps to ensure the sustainable management and conservation of forests. Since the end of 1993, the Government has also stopped border logging concessions and the focus of our attention is to concentrate on the export of finished and semi-finished wood products rather than exporting logs. One of the problems of deforestation in Myanmar is fuel-wood problem. In this regard, more than 20 million fast-growing trees were planted in 1992 and 1993 to fulfil this requirement. At the same time, the Government is implementing projects for the greening of nine arid districts in the central part through building of dams and reservoirs and reforestation. The successful completion of the projects will

have a great impact on the topography of the region as well as the livelihood of its inhabitants.

One of the most promising sectors of Myanmar's economy is the tourism sector. The Government has designated 1996 as 'Visit Myanmar Year' in order to promote tourism. With the promulgation of the Myanmar Hotels and Tourism Law, entrepreneurs both local and foreign are being provided with the opportunity and incentives to engage in hotel and tourism business. The fact that foreign investment in this sector alone amounted to nearly $706.2 million bears testimony to the trust and confidence in the growth of this very dynamic sector. Tourist visas can now be obtained within 24 hours from our embassies abroad. Moreover, apart from Yangon, nine border checkpoints have been opened at borders with China and Thailand so that people can visit these areas without having to journey to Yangon. The potential of Myanmar in this field is tremendous and we are confident that Myanmar will become a tourist centre in the region in the near future.

The economy of Myanmar is gaining momentum with each passing year and we are confident that Myanmar will be able to play its part in the development of the region. We on our part are willing to do our share in cooperation with the countries of the area for mutual benefit. With its new political and economic systems, the impetus for greater interaction between Myanmar and these nations will surely continue to grow. Myanmar, with its independent and active foreign policy, desires to maintain friendly relations with all the countries in the world and on our part, we will not do anything that will be detrimental to the development of cordial ties with countries of the world.

It is regrettable that countries that have been providing economic and technical assistance and cooperation in the past have suspended them because of misconception. It is all the more regrettable that some countries are endeavouring to prevent others from renewing their assistance. Such assistance would facilitate our full integration into the market economy and thus would accelerate the development of the region as a whole. However, we have full confidence in the correctness of our policies, in our people and in our economic resources and strength and are certain that our development endeavours will achieve success, with or without outside help. At the same time, it is an undeniable fact that commercial concerns from these very countries are our active partners and that foreign investment from these countries totalled nearly $500 million.

Although Myanmar identified itself with the South-East Asian region, it is in some ways a bridge between South and South-East Asia. Moreover, it has borders with the two most populous nations in the world, China and India. Myanmar is therefore also cognizant of its strategic geo-political position and is willing to contribute its share in maintaining peace and stability in the region. It has never allowed the setting up of foreign military bases and will not do so in the future as well. Whenever such issues arise, as they usually do between neighbouring countries, we have always sought a peaceful solution based on mutual feelings of goodwill, respect and understanding. A case in point is the matter of the transborder movement of people between Myanmar and Bangladesh. Although some nations tried to have the situation blown out of proportion by invoking potential regional destabilization, the two countries were able to

resolve the situation in the spirit of mutual friendship and understanding. Today, Myanmar and Bangladesh, together with the participation of the Office of the United Nations High Commissioner for Refugees (UNHCR), is successfully resolving the issue peacefully.

If I may recall briefly, Myanmar was invited to become a founding member of the Association of South-East Asian Nations (ASEAN) in the late 1960s. However, owing to the prevailing circumstances of that time, we were not in a position to develop closer ties with ASEAN as an organization although we enjoy close and cordial relations with all its members. Now that Myanmar has transformed the centrally planned economy to a market-oriented economy, and is building a multi-party democratic society, we can look forward to dynamic cooperation with the Association. After attending two successive ministerial meetings in Bangkok in 1994 and in Brunei in 1995 as guest of the Government, Myanmar became an observer nation in ASEAN in July 1996. In August, an application was filed to become a full member of ASEAN with its Standing Committee Chairman, Malaysia.

Some countries are using democracy and human rights to put pressure on us. As I have already stated, we are committed to building a democratic society. However, it must be remembered that this is a transition period and we cannot permit excesses of freedom that could derail us from our chosen path. At the same time, the democratic society to which we aspire is one based on universal values of justice, liberty and equality. The concept of justice that we envisage is not only justice in its legal sense but also social justice, economic justice and political justice. Liberty will include freedom of thought, freedom of expression, freedom of belief, freedom of worship, freedom to seek a livelihood and freedom of organization. Equality as we perceive it also means equality of status, equality of opportunity and equality before the law. As Rome cannot be built in a day, democratic practices, perceptions and thinking cannot also be established in a moment. Too hasty a process will only lead to chaos and instability. The State Law and Order Restoration Council is just laying the foundation so that all the people will be able to enjoy these rights in peace and tranquillity when the democratic society emerges.

As for human rights, we are committed to principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights. As confirmed by the Bangkok Declaration, the principles of national sovereignty, territorial integrity and non-interference in internal affairs should be respected by all nations and attempts to use human rights to encroach on the essentially domestic jurisdiction of States should be avoided. By this, we do not mean that human rights can be systematically violated behind the barrier of non-interference. But what we wish to see is a consensus on accepted norms of human rights and their promotion through cooperation and consensus building and not through imposition of incompatible values. We are against double standards and selectivity in their applications. Our concept of human rights is based on our values, traditions and culture. In placing emphasis on individual rights above everything as expounded by some people, are we to permit promiscuity, to break down family values, to ignore respect for elders, to replace consensus building attitude with competition and confrontation? On the other hand, too often the right to develop is sidelined in the efforts to place individual rights in the forefront. Too often, the rights to decent food, clothing and

shelter, to decent quality of life and to live peacefully and in security are neglected in the clamour for individual rights.

The Government of Myanmar does not condone human rights abuses. It is totally against human rights abuses. We have cooperated fully with the United Nations and have faithfully responded to all its inquiries regarding human rights questions. We have even permitted United States congressmen and congressional aides as well as United Nations personnel to visit Insein Jail and interview some of the inmates. We have taken diplomats, visiting dignitaries and journalists to the areas of alleged human rights abuses. Although some of the countries that have been making allegations about human rights abuses have, they themselves, executed criminals, there has been no execution at all in prisons in Myanmar although there were many instances where people had been sentenced to death for their crimes. Indeed, on 9 January 1993, in commemoration of the commencement of the National Convention, all death sentences were changed to life imprisonment and all other jail sentences were reduced. In accordance with its accession to the four 1949 Geneva Conventions, the Tatmadaw has conducted necessary classes in conjunction with the International Committee of the Red Cross regarding the various principles contained in the Conventions. In Myanmar, human rights have been observed as a matter of custom and tradition. Furthermore, there are 68 internal laws and acts for protection of human rights. Torture, ill-treatment of prisoners and degrading punishment are strictly prohibited.

Why then all the clamour about human rights? Fed with misinformation from unscrupulous sources and armed groups that are in opposition to the Government, blinded by prejudice and preconceived notions and motivated by ulterior political reasons, some countries regrettably continue to make unfounded accusations. We are convinced that these misconceptions will vanish as more people come to realize the true situation.

I hope I have projected the true situation as it is in Myanmar in this brief presentation.